

May 13, 1940

Montez Creek Water Users' Committee
c/o L. M. Angus, Chairman
Roosevelt, Utah.

Gentlemen: REL: MONTEZ CREEK DISTRIBUTION

This will acknowledge receipt of and thank you for your letter of May 10, together with the minutes to which has been added a statement to the effect that a majority of water users was present.

You advise it was your thought that paragraph 3 of the minutes had given this information. I don't see that it makes any reference to the point; however, that is not material now, since you have complied with my request. It is my thought that the statutes provide that any action taken must be by a majority of the water users. For the most part, that rule has been followed. I don't know of an instance where trouble has not resulted where it has been disregarded. In a court action, about the first thing a Judge asks is if the Commissioner were appointed upon action of a majority of the water users, showing that this is an essential matter in the minds of the court at least and, after all, the State Engineer must be conscious of what the court might think of his action, since in a final analysis each and every decision made by him is subject to an appeal of the court.

Yours very truly,

T. H. Humpherys
STATE ENGINEER.

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